



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 · (Fax) 479-936-5401

www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: January 18, 2018

The following committee meeting will be held on **Tuesday, January 23, 2018** prior to the City Council meeting:

5:45 p.m. – PUBLIC SAFETY COMMITTEE: (Wolf, Kruger and Carmichael) **Committee Room #1**

- To Discuss:
- (a) An Ordinance Waiving Competitive Bidding for the Purchase of Police Vehicles for Use by the Rogers Police Department
 - (b) An Ordinance Amending the City of Rogers Municipal Code Concerning Discharge of Firearms; To Allow Citizens of Rogers Who Were Annexed In By An Election to Continue to Safely Discharge Firearms on their Property

5:45 p.m. - PUBLIC WORKS COMMITTEE: (Townzen, Wright and Kendall) **Committee Room #2**

- To Discuss:
- (a) Monthly report from RWU

6:00 p.m. - COMMUNITY SERVICES COMMITTEE: (Wright, Hayes and Kruger) **Committee Room #1**

- To Discuss:
- (a) A Resolution Authorizing a Contract with Gray Barn, A Landscape Company of Fayetteville, AR for City of Rogers Landscaping Services for 2018 in an amount not to Exceed \$111,203
 - (b) A Resolution Authorizing a Recreation and Sports Agreement and Sublease with Rogers Community School Recreation Association, of Rogers, AR for the 2018 Year
 - (c) A Resolution Authorizing a Lease Agreement with Rogers Youth Center, Inc. of Rogers, AR for Certain Real Property Known as the Rogers Activity Center, Part of Forrester Park and Other Property

6:00 p.m. – FINANCE COMMITTEE: (Reithemeyer, Wolf & Kendall) **Committee Room #2**

- To Discuss:
- (a) A Resolution Amending the City of Rogers 2018 Budget to Appropriate \$368,273.00 from Community Development Block Grant Fund Reserves to Various Accounts

6:15 p.m. - TRANSPORTATION COMMITTEE: (Kruger, Townzen and Carmichael) **Committee Room #1**

To Discuss: (a) A Resolution Authorizing an Agreement for Transit Services with Ozark Regional Transit for the 2018 Year in the Mount Not to Exceed \$200,000

6:15 p.m. – RESOURCES & POLICY COMMITTEE: (Hayes, Reithemeyer and Wright) **Committee Room #2**

To Discuss: (a) An Ordinance Assigning Recently Annexed Territory Known as “Certain Lands East of Highway 112” to City Ward 3

(b) A Resolution Authorizing the Destruction of Certain Records of the Offices of Finance, Human Resources and City Clerk/Treasurer



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ROGERS CITY COUNCIL

AGENDA

JANUARY 23, 2018

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: January 9, 2017

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | |
|--|--------------------------------|
| 1. RES. Re: Amending the City of Rogers 2018 Budget to Appropriate \$368,273 from Community Development Block Grant Fund Reserves to Various Accounts | - Finance Committee |
| 2. ORD. Re: Assigning Recently Annexed Territory Known as “Certain Lands East of Highway 112” to City Ward 3 | - Resources & Policy Committee |
| 3. RES. Re: Authorizing the Destruction of Certain Records of the Offices of Finance, Human Resources and City Clerk/Treasurer | - Resources & Policy Committee |
| 4. RES. Re: Authorizing an Agreement for Transit Services with Ozark Regional Transit for the 2018 Year in the Amount Not to Exceed \$200,000 | - Transportation Committee |
| 5. RES. Re: Authorizing a Contract with Gray Barn, A Landscape Company of Fayetteville, AR for City of Rogers Landscaping Services for 2018 in an Amount not to Exceed \$111,203 | - Community Services Committee |

ROGERS CITY COUNCIL AGENDA

JANUARY 23, 2018

PAGE 2

6. RES. Re: Authorizing a Recreation and Sports Agreement and Sublease with Rogers Community School Recreation Association, of Rogers, AR for the 2018 Year - Community Services Committee
7. RES. Re: Authorizing a Lease Agreement with Rogers Youth Center, Inc. of Rogers, AR for Certain Real Property Known as the Rogers Activity Center, Part of Forrester Park and Other Property - Community Services Committee
8. RES. Re: Waiving Competitive Bidding for the Purchase of Police Vehicles for Use by the Rogers Police Department - Public Safety Committee
9. ORD. Re: Amending the City of Rogers Municipal Code Concerning Discharge of Firearms; To Allow Citizens of Rogers Who Were Annexed In By An Election to Continue to Safely Discharge Firearms on their Property - Public Safety Committee

OLD BUSINESS:

NEW BUSINESS:

1. Appeal of Rogers Planning Commission's Approval of a Conditional Use Permit for Kyle M. Proctor at 3711 Southern Hills Blvd. - Kyle Unser
2. ORD. Re: Accepting the Replat of Pinnacle Heights Subdivision, Lot 4 - Bill Watkins

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-18-_____

A RESOLUTION AMENDING THE CITY OF ROGERS 2018 BUDGET TO APPROPRIATE THREE HUNDRED SIXTY-EIGHT THOUSAND TWO HUNDRED SEVENTY-THREE DOLLARS (\$368,273.00) FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND RESERVES TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers has been awarded grant funds, rebate refunds, and deferred loan agreements in 2017 for the Community Development Block Grant (CDBG). The remaining grant funds from 2017 in the amount of three hundred fifty-six thousand one hundred forty-one dollars (\$356,141.00) and rebates and deferred loan agreements in the amount of twelve thousand one hundred thirty-two dollars (\$12,132.00) require an appropriation in 2018 for spending.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The sum of three hundred sixty-eight thousand two hundred seventy-three dollars (\$368,273.00) is hereby appropriated from the CDBG Fund to the following accounts in the following amounts:

- CDBG Account 342-42-61135, Salaries & Wages, in the amount of \$88,910.00
- CDBG Account 342-42-70005, Continuing Education, in the amount of \$4,000.00
- CDBG Account 342-42-70110, Office Supplies, in the amount of \$500.00
- CDBG Account 342-42-70170, Dues & Subscriptions, in the amount of \$1,500.00
- CDBG Account 342-42-70182, Advertising in the amount of \$3,000.00
- CDBG Account 342-42-70296, Public Service Projects, in the amount of \$27,109.00
- CDBG Account 342-42-70390, Postage, in the amount of \$400.00
- CDBG Account 342-42-70970, Housing Projects, in the amount of \$202,854.00
- CDBG Account 342-42-79010, Public Construction Projects, in the amount of \$40,000.00

Section 2: Severability Provision- If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions- All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Casey Wilhelm
Prepared by: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Finance Committee

ORDINANCE NO. 18-_____

AN ORDINANCE ASSIGNING RECENTLY ANNEXED TERRITORY KNOWN AS "CERTAIN LANDS EAST OF HIGHWAY 112" TO CITY WARD 3; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers City Council referred Ordinance No. 17-52 to the citizens of Rogers and to the citizens living in certain territory known as "Certain Lands East of Highway 112" regarding the question of annexation of the said territory;

WHEREAS, an election was held on said question on November 14, 2017;

WHEREAS, the voters approved the annexation of said territory into the City of Rogers;
and

WHEREAS, the Benton County Election Commission has certified the results of said election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: Pursuant to A.C.A §14-40-303(d) the annexed territory known as "Certain Lands East of Highway 112" on the map of territory to be annexed submitted to the Benton County Clerk, and the Benton County Election Commission is hereby assigned to Ward 3 of the City of Rogers, Arkansas;

Section 2: The said "Certain Lands East of Highway 112" shall hereafter be considered and be a part of the City of Rogers, Arkansas as fully as any other part of the city;

Section 3 - Emergency Clause: The need to assign the said "Certain Lands East of Highway 112" a city ward is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Peggy David, City Clerk
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Resources and Policy Committee

RESOLUTION R-18- _____

A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE OFFICES OF FINANCE, HUMAN RESOURCES, AND CITY CLERK/TREASURER; AND FOR OTHER PURPOSES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers Offices of Finance, Human Resources, and City Clerk/Treasurer should be, and hereby are authorized to destroy the following records of the City of Rogers under Arkansas Code Annotated § 14-59-114 and City of Rogers Municipal Code § 2-1:

- (a) Audited records four years or older (Year 2012 and prior years): Canceled checks, voided checks, invoices, bank statements, receipts, receipts listings, deposit slips and daily deposit spreadsheets, bank reconciliations, check book registers or listings, monthly financial reports, budget documents, bids and quotes documents, insurance invoice, COBRA administration billings.
- (b) Audited records seven years or older (Year 2009 and prior years): Investment records, certificate of deposit records, journals, ledgers, subsidiary Ledgers, yearly (annual) financial reports, payroll timesheets, statements of financial interest, oaths of office, business licenses, ABC applications, business licenses exemptions, airport grants, ambulance service billing, expired lease documents, dog licenses, Fire Act 833 documents, insurance documents, and police department accident reports.

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

ATTEST:

PEGGY DAVID, City Clerk

Requested by: Casey Wilhelm
Prepared by: Jennifer A. Waymack
For Consideration by the Resources and Policy Committee

RESOLUTION NO. R-18-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR TRANSIT SERVICES WITH OZARK REGIONAL TRANSIT FOR THE 2018 YEAR IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00); AND FOR OTHER PURPOSES.

WHEREAS, Ozark Regional Transit is a publicly owned public transit authority serving Northwest Arkansas of which the City of Rogers is a member, and which was created by an interlocal agreement under Ark. Code Ann. § 14-334-101, et seq.; and

WHEREAS, the amount of two hundred thousand dollars (\$200,000.00) was duly budgeted by the City of Rogers City Council for the 2018 year for this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor may execute an agreement with Ozark Regional Transit for public transit services for the year of 2018 in an amount not to exceed two hundred thousand dollars (\$200,000.00);

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: John McCurdy, Director of the Department of Community Development
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Transportation Committee

RESOLUTION NO. R-18-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE GRAY BARN, A LANDSCAPE COMPANY OF FAYETTEVILLE, ARKANSAS FOR CITY OF ROGERS LANDSCAPING SERVICES FOR 2018 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED ELEVEN THOUSAND TWO HUNDRED THREE DOLLARS (\$111,203.00); AND FOR OTHER PURPOSES.

WHEREAS, funds for landscape maintenance services in 2018 have been duly budgeted; and

WHEREAS, following a competitive bidding process, the successful lowest qualified bidder for landscaping services for the year of 2018 is The Gray Barn, A Landscaping Company of Fayetteville, Arkansas who entered a bid amount of one hundred eleven thousand two hundred three dollars (\$111,203.00).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor may execute an agreement with The Gray Barn, A Landscaping Company of Fayetteville, Arkansas for landscaping services for the year of 2018 in an amount not to exceed one hundred eleven thousand two hundred three dollars (\$111,203.00);

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Jim White, Director of the Parks and Recreation Department
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by Community Services Committee

RESOLUTION NO. R-18-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RECREATION AND SPORTS AGREEMENT AND SUBLEASE WITH ROGERS COMMUNITY SCHOOL RECREATION ASSOCIATION, OF ROGERS, ARKANSAS FOR THE 2018 YEAR; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers, Arkansas and the Rogers Community School Recreation Association (RCSRA) are currently under an agreement by which the RCSRA designs, promotes, supplies, and funds the City of Rogers recreational programs, and this contract requires renewal for the 2018 year in order to maintain the quality and consistency of recreational programs in the city; and

WHEREAS, recreation and sports services are a professional service exempt from competitive bidding under City of Rogers, Municipal Code § 2-468 and Arkansas Code Annotated § 19-11-801(c).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor may enter into an agreement with Rogers Community School Recreation Association of Rogers, Arkansas for recreation and sports services;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Jim White, Director of Parks and Recreation
Prepared by: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Community Services Committee

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH ROGERS YOUTH CENTER, INC., OF ROGERS, ARKANSAS, FOR CERTAIN REAL PROPERTY KNOWN AS THE ROGERS ACTIVITY CENTER, PART OF FORRESTER PARK, AND OTHER PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers currently holds a lease with Rogers Youth Center, Inc. for use of the Rogers Activity Center, Forrester Park, and other buildings and land surrounding the Rogers Activity Center which is automatically renewable; and

WHEREAS, Rogers Youth Center, Inc. wishes to lease a portion of that property directly to Pedal it Forward, and this requires an amendment to the current lease between the City of Rogers and the Rogers Youth Center, Inc.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor may execute a business lease agreement with Rogers Youth Center Inc., of Rogers, Arkansas for certain real property in a form approved by the Mayor;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Jim White, Director of the Parks and Recreation Department
Prepared by: Jennifer Waymack, Senior Staff Attorney
For Consideration by Community Services Committee

ORDINANCE NO. 18-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF POLICE VEHICLES FOR USE BY THE ROGERS POLICE DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department is in need of law enforcement equipped vehicles, and has obtained an offer to purchase the necessary vehicles for a package that includes more than the state bid secured by the Department of Finance and Administration for the same price as the state bid;

WHEREAS, the necessary vehicles include five Traverses and seven Tahoes of various equipment and outfitting packages with striping; and

WHEREAS, the total cost of the purchase of four hundred eighty-one thousand three hundred twenty thousand dollars (\$481,320.00) was approved and budgeted in the City of Rogers 2018 Budget.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of five Traverses and seven Tahoes for use by the Rogers Police Department;

Section 2 - Emergency Clause: The need to acquire quality protective gear for the Rogers Police Force is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2017.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Hayes Minor, Chief of Police

Prepared By: Jennifer Waymack, Senior Staff Attorney

For Consideration by the Public Safety Committee

ORDINANCE NO. 18-_____

AN ORDINANCE TO AMEND THE CITY OF ROGERS MUNICIPAL CODE CONCERNING DISCHARGE OF FIREARMS; TO ALLOW CITIZENS OF ROGERS WHO WERE ANNEXED IN BY AN ELECTION TO CONTINUE TO SAFELY DISCHARGE FIREARMS ON THEIR PROPERTY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, shooting was safely and legally taking place on certain properties before they were annexed into the City of Rogers by election; and

WHEREAS, the annexation itself, in an absence of a change in use or characteristic of the land, does not render the discharge of firearms within the city limits to be unsafe, and property owners should be allowed to continue to practice safe and legal gun practices on their property after the annexation by election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS THAT:

Section 1: Section 34-1, “Firearms and weapons; discharging.”, is repealed, is replaced, and shall read as follows in the attached Exhibit “A”.

Section 2 - Emergency Clause: That for the reasons stated in this Ordinance, and in respect for the Second Amendment rights of the citizens who were annexed in by election, the need to effectuate this ordinance is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect on and after its date of adoption;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Public Safety Committee

Exhibit "A"

Sec. 34-1. - Firearms and weapons; discharging.

(a) No person shall shoot or discharge any firearms of whatever name, size or description within the city except:

(1) In the design, testing and manufacturing of firearms by a licensed manufacturer and only in a place so designed and constructed where the projectile cannot escape the confines thereof;

(2) In an indoor public or private shooting range and only in a place so designed and constructed where the projectile cannot escape the confines thereof;

(3) In an outdoor public or private shooting range which has been reviewed by the police department and approved by the public safety committee of the city council; or

(4) As provided for in subsection (b) of this section.

(b) A person may shoot or discharge a firearm within the city if:

(1) The property on which the shooting or discharge takes place was annexed into the city by an election;

(2) On or after the annexation, the property has not transferred ownership, been rezoned, had a change in use adopted by the City of Rogers or the City of Rogers Planning Commission, or had its boundaries adjusted, split, or altered;

(3) The shooting or discharge of the firearm complies with all applicable state and federal laws; and

(4) The shooting or discharge of the firearm complies with all county restrictions on shooting or discharge of the firearm that were in place at the time of the annexation.

KUT AK ROCK L L P SUITE 200 THE BREWER BUILDING 234 EAST MILLSAP ROAD FAYETTEVILLE, ARKANSAS 72703-
4099 479-973-4200 FACSIMILE 479-973-0007 www.kutakrock.com

KYLE T. UNSER kyle.unser@kutakrock.com (479) 973-4200

January 8, 2018

Peggy David, Rogers City Clerk
301 W. Chestnut St.
Rogers, AR 72756

Also sent via electronic mail: pdavid@rogersar.gov

**Re: Appeal of Rogers Planning Commission Decision
Kyle M. Proctor – 3711 Southern Hills Blvd.**

Dear Madame Clerk:

I represent Generations Bank. I am writing to take appeal from the January decision of the Rogers Planning Commission to the City Council with respect to the Planning Commission's approval of a conditional use application made by Kyle M. Proctor in conjunction with a proposed car wash to be located at 3711 Southern Hills Blvd. (the "Property") in the C-2 (Highway Commercial) zoning district. The reasons for the appeal include:

1. Generations Bank is the neighboring property owner across Southern Hills Boulevard. The bank is located at 3710 W. Southern Hills. Generations Bank's property is within 300 feet of the Property, and Generations Bank was entitled to mailed notice of the conditional use application pursuant to § 14-723(a)(2) of the Rogers Code of Ordinances. Generations Bank did not receive notice of the hearing. Upon inquiry with the City, Generations Bank was informed that an attempted mailing of notice to First Bank at Generations' address was returned as undeliverable, and no follow-up efforts to give notice were made. Had Generations received notice, it would have retained counsel to oppose the application before the Planning Commission;
2. The proposed use is incompatible with the adjacent properties and incongruent with the City's master land use plan; and
3. The intersection of W. Southern Hills and Pleasant Grove Road is not controlled by a traffic signal. Pleasant Grove Road is the primary corridor between the interstate and a large scale highly populated residential area. The feasibility of the proposed use depends upon high traffic volumes, and uncontrolled egress from the Property across Pleasant Grove Road creates an unreasonable traffic hazard.

KUTAK ROCK L L P

Generations Bank respectfully requests that its appeal be noted and that this matter be placed on the agenda for the City Council's consideration. Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,
Kyle T. Unser

ORDINANCE NO. 18-_____

**AN ORDINANCE ACCEPTING THE REPLAT OF
PINNACLE HEIGHTS SUBDIVISION
LOT 4
ROGERS, BENTON COUNTY, ARKANSAS,
THE DEDICATION OF STREET AND EASEMENTS THEREIN,
PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of the Rogers Code, the Replat for Pinnacle Heights Subdivision, Lot 4, Rogers, Benton County, Arkansas has been submitted to the City Council of the City of Rogers, Benton County, Arkansas, and after consideration, said City Council has accepted same, and all streets and easements therein, pursuant to the provisions of the Rogers Code; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Replat be approved and the dedication of utility easements and other public ways be accepted and confirmed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That the Replat of Pinnacle Heights Subdivision, Lot 4, Rogers, Benton County, Arkansas, as described in the Replat thereof, as well as dedication of streets and easements therein, should be and the same hereby accepted, approved and confirmed.

SECTION 2: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED this _____ day of _____, 2018

APPROVED: _____
C. Greg Hines, Mayor

Peggy David, City Clerk